UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,718	06/27/2003	Kevin T. Rowney	006224.P001X3	9417

7590 04/12/2010

Marina Portnova
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER	
DAYE, CHELCIE L	

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
04/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/607,718	ROWNEY ET AL.	
	Examiner	Art Unit	
	CHELCIE DAYE	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 February 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 8-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/9/10*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is issued in response to applicant's amendment filed February 09, 2010.

2. Claims 1-6 and 8-32 are presented. No claim added and claim 7 is cancelled.

3. Claims 1-6 and 8-32 are pending.

4. Applicant's arguments filed February 09, 2010, have been fully considered but they are not persuasive.

Information Disclosure Statement

5. The information disclosure statement (IDS) submitted on 02/09/10 was filed on the mailing date of the application. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-3,6,8-15,20-21,24-26, and 31-32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw (US Patent No. 5,835,722) filed June 27,

1996, in view of Shannon (US Patent No. 6,233,618) filed March 31, 1998, further in view of Consens (US Patent No. 6,507,846) filed November 9, 1999.

Regarding Claims 1, 20, and 31-32, Bradshaw discloses a method for a client device, comprising:

searching, text contained in a plurality of documents stored on a plurality of data storage media of the client device for an indication that at least a portion of the pre-selected data stored on the server may be contained in the text of the plurality of documents (column 6, lines 5-20 and 40-49; column 7, lines 19-38, Bradshaw);

detecting at least a portion of the pre-selected data in the text of at least one of the plurality of documents stored on any of the plurality of data storage media of the client device (column 8, lines 35-58 and column 10, lines 15-30, Bradshaw)[1], the client device being a personal computing device (column 5, lines 37-38, Bradshaw).

Bradshaw does not expressly teach the detection indicating that a user of the client device has caused the portion of the pre-selected data residing on the server to be stored on the client device.

However, Bradshaw does teach the acceptance of a supervisor to "close" the X-Stop Monitoring routine, as a way of stopping the monitoring/blocking of inappropriate (i.e. pre-selected) data (see col.8, lines 11-16 and 54-61). Also,

Bradshaw teaches examples of users, and friends of users, receiving inappropriate emails, and thus blocking and sending out messages of cancellation (see col.11, lines 50-67). It would be obvious to one of ordinary skill in the art at the time of the invention to understand that if the supervisor closes (i.e. deactivates) the X-Stop Monitoring routine, then that would allow for the user to store pre-selected data thus being the cause for the storage onto the client device. Further, examples 4 & 5 discussed above show that it is because of the user that the pre-selected data is stored on the client device due to the fact that it was the user receiving and requesting the information.

Nevertheless, Bradshaw is not as detailed with respect to receiving, by the client device from a server, an abstract data structure derived from data elements of pre-selected data to be protected; the searching being performed locally; the indication being detected the abstract data structure pre-selected data; and sending, from the client to the server, a notification of the detection of the portion of the pre-selected data in the text of at least one of the plurality of documents stored on any of the plurality of data storage media of the client device.

On the other hand, Shannon discloses receiving, by the client device from a server, an abstract data structure derived from data elements of pre-selected data to be protected (column 8, lines 24-67, Shannon)[2]; the searching being

---

[1] Examiner Notes: Further examples of detecting pre-selected data can be found at column 11, Examples 1 and 2, Bradshaw.

[2] Examiner Notes: Table 3 is a form of an index data structure, which corresponds to the abstract data structure. Also, Shannon further discloses the pre-selected data being stored on a server (see column 6, lines 28-34).

performed locally (column 6, lines 28-35; column 9, lines 27-39, Shannon); and sending, from the client to the server, a notification of the detection of the portion of the pre-selected data in the text of at least one of the plurality of documents stored on any of the plurality of data storage media of the client device (column 14, lines 26-48, Shannon)[3]. Bradshaw and Shannon are analogous art because they are from the same field of endeavor of controlling the access of particular data. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Shannon's teachings into the Bradshaw system. A skilled artisan would have been motivated to combine as suggested by Shannon at column 3, lines 46-50 and column 4, lines 33-50, in order to provide a more efficient and up-to-date system for controlling access by client computers to available data dependent upon the content.

However, Bradshaw and Shannon are not as detailed with respect to the abstract data structure containing positional information identifying a position in the pre-selected data for each data element of the pre-selected data, wherein the abstract data structure does not contain the data elements to the pre-selected data; and storing the abstract data structure containing the positional information in memory of the client device.

On the other hand, Consens discloses the abstract data structure containing positional information identifying a position for each data element (column 1, lines 45-51, Consens), wherein the abstract data structure does not

[3] Examiner Notes: More details regarding the server being coupled to the client device via a network can

contain the data elements to the pre-selected data (column 4, lines 39-50, Consens); and storing the abstract data structure containing the positional information in memory of the client device(column 7, lines 49-51, Consens). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Consens' teachings into the Bradshaw and Shannon system. A skilled artisan would have been motivated to combine in order to provide an environment which requires a relatively small amount of storage, and is capable of being accessed efficiently (see col.2, lines 33-38, Consens).

Regarding Claim 2, the combination of Bradshaw in view of Shannon, further in view of Consens, disclose a method further comprising:

upon detecting at least a portion of the pre-selected data, preventing access to the detected data (column 14, lines 37-41, Shannon).

Regarding Claims 3 and 21, the combination of Bradshaw in view of Shannon, further in view of Consens, disclose a method wherein the text contained in the plurality of documents is searched periodically (columns 9-10, lines 64-67 and 1, respectively, Shannon).

Regarding Claims 6 and 24, the combination of Bradshaw in view of Shannon, further in view of Consens, disclose a method further comprising:

---

be found at column 5, lines 6-20 and 45-50, Shannon.

receiving instructions defining a scope of a search for the client device from the server (column 6, lines 28-47, Shannon).

Regarding Claims 8 and 25, the combination of Bradshaw in view of Shannon, further in view of Consens, disclose a method wherein searching text contained in the plurality of documents comprises monitoring one or more specific data operations for presence of at least a portion of the pre-selected data (column 13, lines 23-34, Shannon).

Regarding Claims 9 and 26, the combination of Bradshaw in view of Shannon, further in view of Consens, disclose a method wherein at least one of the one or more specific data operations is selected from the group consisting of a file-read, a file-write, a file-update (column 9, lines 27-31, Shannon), a read from a removable media device, a write to a removable media device, and access of data stored on any of the plurality of data storage media by a program running on the client device (column 12, lines 24-31, Shannon).

Regarding Claim 10, the combination of Bradshaw in view of Shannon, further in view of Consens, disclose a method wherein the pre-selected data has a tabular format (column 8, Table 3, Shannon).

Regarding Claim 11, the combination of Bradshaw in view of Shannon, further in view of Consens, disclose a method wherein the pre-selected data is capable of being re-structured into a tabular format based on relationships among elements of the pre-selected data (column 7, Table 2 and lines 58-64, Shannon).

Regarding Claim 12, the combination of Bradshaw in view of Shannon, further in view of Consens, disclose a method wherein the pre-selected data is maintained by an organization in at least one of a spreadsheet, a flat file, and a database (column 8, lines 24-30, Shannon).

Regarding Claim 13, the combination of Bradshaw in view of Shannon, further in view of Consens, disclose a method wherein the pre-selected data is associated with an abstract data structure comprising a tuple-storage structure[4] derived from the pre-selected data (column 8, Table 3, Shannon).

Regarding Claim 14, the combination of Bradshaw in view of Shannon, further in view of Consens, disclose a method wherein the abstract data structure comprises a plurality of tuples, each of the plurality of tuples including a row number of a data element in a corresponding cell of a tabular structure of the pre-selected data (column 8, Table 3 and lines 49-51, Shannon; wherein the plurality

[4] Examiner Notes: The tuple-storage structure is Table 3 shown with numbered rows.

of tuples correspond to the multiple rows and also the rows within Table 3 are numbered which corresponds to the "including row numbers of a tabular structure").

Regarding Claim 15, the combination of Bradshaw in view of Shannon, further in view of Consens, disclose a method wherein each of the plurality of tuples additionally includes a column number (column 8, lines 57-62, Shannon) and optionally a column type of the data element in the corresponding cell.

8. Claims 4, 16-19, 22, and 27-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw (US Patent No. 5,835,722) filed June 27, 1996, in view of Shannon (US Patent No. 6,233,618) filed March 31, 1998, further in view of Consens (US Patent No. 6,507,846) filed November 9, 1999, and further in view of Brandt (US Patent No. 5,892,905) filed December 23, 1996.

Regarding Claims 4 and 22, the combination of Bradshaw in view of Shannon, further in view of Consens, disclose all of the claimed subject matter as stated above. However, the combination of Bradshaw in view of Shannon, further in view of Consens, are silent with respect to the text contained in the plurality of documents being searched when the client device is disconnected from the network. On the other hand, Brandt discloses the text contained in the plurality of documents being searched when the client device is disconnected from the

network (column 17, lines 46-50, Brandt). Bradshaw, Shannon, Consens, and Brandt, are analogous art because they are from the same field of endeavor of access control of networked data. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Brandt's teachings into the Bradshaw, Shannon, and Consens system. A skilled artisan would have been motivated to combine as suggested by Brandt at column 17, lines 51-55, in order to stay consistent with the maintenance on a system, as well as ensuring reliability without undue disruption.

Regarding Claims 16 and 27, the combination of Bradshaw in view of Shannon, further in view of Consens, and further in view of Brandt, disclose a method wherein the plurality of data storage media is selected from the group consisting of a main memory ("DRAM"; column 10, lines 8-11, Brandt), a static memory, and a mass storage memory.

Regarding Claims 17 and 28, the combination of Bradshaw in view of Shannon, further in view of Consens, and further in view of Brandt, disclose a method wherein a plurality of data storage media comprises

one or more volatile storage device (column 5, lines 5-8, Bradshaw); and

one or more persistent storage device (column 10, lines 53-61, Brandt).

Regarding Claims 18 and 29, the combination of Bradshaw in view of Shannon, further in view of Consens, and further in view of Brandt, disclose a method further comprising detecting use of the pre-selected data by an application[5] running on the client device (column 6, lines 8-15, Shannon).

Regarding Claims 19 and 30, the combination of Bradshaw in view of Shannon, further in view of Consens, and further in view of Brandt, disclose a method further comprising:

identifying the application using the pre-selected data (column 10, lines 51-59, Shannon); and

reporting the identified application (column 10, lines 59-64, Shannon).

9. Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw (US Patent No. 5,835,722) filed June 27, 1996, in view of Shannon (US Patent No. 6,233,618) filed March 31, 1998, further in view of Consens (US Patent No. 6,507,846) filed November 9, 1999, further in view of Brandt (US Patent No. 5,892,905) filed December 23, 1996, and further in view of Dascalu (US Patent No. 5,958,015) filed October 29, 1996.

[5] Examiner Notes: The application corresponds to a "network device", which has access to the databases and permits data communication (column 5, lines 12-20, Shannon).

Regarding Claims 5 and 23, the combination of Bradshaw in view of Shannon, further in view of Consens, and further in view of Brandt, disclose a method wherein sending a notification comprises:

upon detecting the pre-selected data, creating a message containing the notification of the detection of the pre-selected data (column 14, lines 42-48, Shannon); and

transmitting the message to the server after the client device is re-connected to the server (column 18, lines 24-30, Brandt). However, the combination of Bradshaw in view of Shannon, further in view of Consens, and further in view of Brandt, are silent with respect to placing the message in a transmission queue. On the other hand, Dascalu discloses placing the message in a transmission queue (column 4, lines 25-40, Dascalu). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Dascalu's teachings into the Bradshaw, Shannon, Consens, and Brandt system. A skilled artisan would have been motivated to combine in order to provide a network device that offers access control at particular levels for easier transmission.

Response to Arguments

Applicant argues, Bradshaw, Shannon, and Consens do not teach the elements of the present invention, and more so the element of the abstract data structure not containing the data elements of the pre-selected data.

Examiner respectfully disagrees. Consens illustrates within Fig.3, multiple data structures wherein some of them are data structures which only house the position related information for the data. Further, Consens teaches of an index that has several data structures that are created by the index generator. There are some data structures that relate to the position of the token data and the data structures provided are those that map between position related data structures and the data structures that relate to lexicographically sorted tokens (see col.4, lines 39-50). Examiner interprets the data structure with the position data to correspond to the claimed data structure containing the positional information but does not contain the data elements.

Applicant argues, Brandt does not teach the elements recited in claims 1 and 20, and in particular with reference to the newly added feature of "the abstract data structure does not contain the data elements of the pre-selected data".

Examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091,

231 USPQ 375 (Fed.Cir.1986). In particular, Brandt was not relied upon for the disclosure of the limitations as recited within claims 1 and 20.

Applicant argues, Dascalu does not teach the elements recited in claims 1 and 20, and in particular with reference to the newly added feature of "the abstract data structure does not contain the data elements of the pre-selected data".

Examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed.Cir.1986). In particular, Dascalu was not relied upon for the disclosure of the limitations as recited within claims 1 and 20.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571) 272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
April 7, 2010

/Apu M Mofiz/
Supervisory Patent Examiner, Art Unit 2161